

## District Judge Daybook Entry

### United States District Court - Southern District of West Virginia at Beckley

Date:	5/27/2025	Case Number:	5:23-cr-00125
Case Style:	USA vs. Gary Sawyers		
Type of hearing:	Criminal Jury Trial		
Before the Honorable:	2517-Volk		
Court Reporter:	Catherine Schutte-Stant	Courtroom Deputy:	Tabitha Jarrell
Attorney(s) for the Plaintiff or Government:			
Joshua Hanks, Brian Parsons			
Attorney(s) for the Defendant(s):			
David Bungard, Emily Szopinski			
Law Clerk:	Amanda Duvall		
Probation Officer:			

### Court Times

Start Time	End Time	Court Time Description
9:10 AM	10:15 AM	Court actively conducting trial proceedings/Contested proceedings
10:36 AM	11:35 AM	Court actively conducting trial proceedings/Contested proceedings
1:00 PM	2:41 PM	Court actively conducting trial proceedings/Contested proceedings
4:30 PM	4:33 PM	Court actively conducting trial proceedings/Contested proceedings

Time in court: 3 hours and 48 minutes. Court actively conducting trial proceedings/Contested proceedings

### Courtroom Notes

CRIMINAL TRIAL - DAY FIVE

Scheduled Start 0900  
Actual Start Time 0910

AUSA Hanks and Parsons present  
Defendant present in person and by counsel Bungard and Szopinski.

Jury present (13 jurors present)

Recalled Defense Witness Gary Sawyers to the stand from Thursday.  
Continue Cross Examination  
Govt exhibit 12 (previously marked and admitted)  
Govt Exhibit 15 and 18  
Defense objects  
Sidebar  
Objection sustained (exhibits not admitted)  
Cross examination continues  
Govt exhibit 1,9,10,11,13,8 (previously marked and admitted)

Court is in recess 1015  
Court is again in session 1036

Government continues with cross examination  
Govt exhibit 46, 47, 43  
Marked and admitted  
Sidebar  
Govt continues cross examination  
Re-direct examination  
No re-cross

Defense 20, 21,22  
Govt 41a

Defense rests  
Govt - no rebuttal evidence

Jury is excused 1100

Defense renewed motion for acquittal  
Court will defer ruling

Court and Parties discuss jury charge  
Govt comments  
Def comments  
Judge responds

Discuss time for closing argument  
Discuss order of instruction, closing, charge, then deliberation  
Will dismiss for lunch until 1:00

Jury returns 11:33

Court explains to jury how day will proceed  
Jury dismissed for lunch until 1:00

Court is in recess for lunch 1135  
Court is again in session 1300

Court gives jurors partial jury instructions

AUSA Parsons closing statement 1310  
AFPD Bungard closing statement 1330  
AUSA Hanks rebuttal closing statement 1410

Court asks parties to confer on matters they ask the Court to take judicial notice of  
AUSA responds  
AFPD concurs

Court gives jurors remaining jury instructions 1425

Jury dismissed to deliberate 1440

Court ask counsel if there are any other matters to discuss before we recess  
Court is in recess 1441

Jury note 1615

Court is again in session 1630

Court understands we have a verdict  
Foreperson affirms

Court reads verdict - NOT GUILTY

Jury dismissed

Defendant discharged

Any further matters?  
Counsel responds

Court adjourned 1633